

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
(at Boston)

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION

This Document Relates to:

All Actions

Master File No. 1:13-md-2419-RWZ

MDL Docket No. 2419

**DEFENDANT AMERIDOSE, LLC'S BRIEF IN OPPOSITION TO LIBERTY
INDUSTRIES, INC.'S MOTION FOR A LOCAL RULE 16.1 CONFERENCE**

Defendant Ameridose LLC ("Ameridose"), through counsel, states as follows in opposition to Defendant Liberty Industries, Inc.'s ("Liberty") motion for a Local Rule 16.1 scheduling conference ("Motion") and requests that this Court deny the same:

Liberty's Motion should be denied because Case Management Order No. 6 ("CMO 6") remains in effect, staying all pleadings and discovery until further action by this Court. *See* MDL Order No. 6, entered June 28, 2013, NECC MDL Doc. 209. Status conferences are scheduled by the Court in accordance with CMO 6 (*see* CMO 6, II.A). All deadlines for responding to complaints and filing and/or responding to dispositive motions are temporarily stayed. "No defendant need answer any complaint until further order of this Court." *See* CMO 6, II.D., p. 5. "Formal discovery of NECC and the affiliated defendants shall remain temporarily stayed as set forth in this order and the previous orders of the Court." *See* CMO 6, IV.D., p. 13. The scheduling of a Rule 16.1 conference will be a ripe issue only if and when the Court grants one of the pending motions to lift the discovery stay governed by CMO 6.

For these reasons, Defendant Ameridose LLC respectfully requests that this Court deny Liberty's Motion for a Local Rule 16.1 Scheduling Conference.

Respectfully submitted,

/s/ Matthew P. Moriarty

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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been filed with the Clerk of the Court on July 7, 2014 using the ECF system that sent notification of this filing to all ECF-registered counsel of record via e-mail generated by the Court's ECF system.

/s/ Matthew P. Moriarty

Attorney for Defendant Ameridose, LLC